

46-204.01. Conditional eligibility for assistance; drug offenses

A person who has been convicted of any offense under federal or state law, based on conduct that occurred on or after August 22, 1996, that has as an element the possession, use or distribution of a controlled substance, as defined in 21 U.S.C. § 802(6), is eligible for assistance if the person is otherwise eligible for assistance and if any of the following apply:

1. The person has completed a sentence or term of probation imposed by a court;
2. The person is satisfactorily serving a term of probation; or
3. The person has completed or is satisfactorily in the process of completing a diversion or similar program that does not result in a conviction or term of probation.

13-3418. Ineligibility to receive public benefits; restoration; definition

A. Except as provided in section 46-204.01. ~~On~~on conviction of any offense in this chapter, the court may render the person who is convicted ineligible to receive any public benefits. The court shall determine the length of time that shall elapse before the person's eligibility is restored.

B. The court shall not deny any public benefit otherwise directly or indirectly available to any innocent person nor shall the court deny any public benefit if such denial is in conflict with the laws of the United States.

C. For the purposes of this section, "public benefits" includes any money or services provided by this state for scholarships or tuition waivers granted for state funded universities or community colleges, welfare benefits, public housing or other subsidies but does not include benefits available for drug abuse treatment, rehabilitation or counseling programs.

21-401. Definitions

In this chapter unless the context otherwise requires:

1. "Alternate grand jurors" means the additional grand jurors who are selected and sworn at the time of impanelment but who are not designated as permanent jurors until the presiding judge of the superior court or a designee has permanently excused a duly impanelled and sworn permanent grand juror. ~~administered the oath unless a duly impanelled and sworn grand juror is permanently excused by the presiding judge of the superior court.~~

2. "Grand jury" means a body of the required number of qualified persons who are duly convened and impanelled by the presiding judge of the superior court and who are sworn to inquire into public offenses that may be tried within the county, including corrupt or willful misconduct in office of public officials within the county.

3. "Indictment" means an accusatory statement that is in writing, that is presented by the grand jury to the superior court and that charges the commission of a public offense that may be tried within the county.

21-406. Absence

A. At any time, for good cause, the presiding judge of the superior court or a designee may excuse a grand juror temporarily or permanently. In the event that a grand juror is excused permanently, the presiding judge of the superior court or a designee may ~~administer the oath to~~ replace the excused juror with an alternate grand juror so as to maintain the original membership at the prescribed number of persons. The alternate grand juror shall be selected as prescribed by title 21, chapter 3.

B. No grand juror shall vote on any matter on which evidence has been taken in the juror's absence or before the juror's impanelment.

Proposed Additions to A.R.S. § 13-3401

Synopsis

Here are our proposed changes (in red) to cover synthetic cannabinoids we are currently seeing. These compounds are continuously being modified to "make them legal again." The nomenclature proposed will cover more of these chemical modifications and anticipated modifications, based on synthetic cannabinoids found in our casework, i.e. THJ2201, NM2201.

I also added the drugs (in red) Etizolam (Phoenix crime lab has confirmed this drug in several DUI cases). Etizolam belongs to the class of Benzodiazepines and is a CNS depressant, which is not currently approved by the FDA for use in the United States. This drug can be ordered via the internet and has shown up in cases on the west coast and here in Arizona. More info can be found

https://www.deadiversion.usdoj.gov/drug_chem_info/etizolam.pdf

Tramadol (trade name: Ultram) is a synthetic narcotic analgesic drug used for pain relief. It is a DEA Schedule IV drug and has appeared in our controlled substances section. Tramadol is being diverted from properly prescribed use. It is also encountered in our DUI casework. This drug is a recommended target for Toxicology casework, and should be added. More info at:

<http://jat.oxfordjournals.org/content/early/2013/08/13/jat.bkt059.full>

Zopiclone is one of the "z" drugs prescribed as sleep medication, such as zolpidem and zaleplon which already appear in 13-3401. The isomer eszopiclone is commonly known as Lunesta, a DEA Schedule IV drug and is prescribed in the United States. This drug is also a recommended target for Toxicology casework, and should be added.

13-3401. Definitions^[SEP]

In this chapter, unless the context otherwise requires:^[SEP]

1. "Administer" means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.

2. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by whatever trade name designated.

3. "Board" means the Arizona state board of pharmacy.

4. "Cannabis" means the following substances under whatever names they may be designated:

(a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

(b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.

5. "Coca leaves" means cocaine, its optical isomers and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.

6. "Dangerous drug" means the following by whatever official, common, usual, chemical or trade name designated:

(a) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers,

unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(i) Alpha-ethyltryptamine.

(ii) Alpha-methyltryptamine.

^[L]_{SEP}(iii) (2-aminopropyl) benzofuran (APB).^[L]_{SEP}

(iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).^[L]_{SEP}

(v) Aminorex.^[L]_{SEP}

(vi) 4-bromo-2, 5-dimethoxyphenethylamine.

^[L]_{SEP}(vii) 4-bromo-2, 5-dimethoxyamphetamine.

^[L]_{SEP}(viii) Bufotenine.

^[L]_{SEP}(ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).

(x) Diethyltryptamine.^[L]_{SEP}

(xi) 2, 5-dimethoxyamphetamine.^[L]_{SEP}

(xii) Dimethyltryptamine.^[L]_{SEP}

(xiii) 5-methoxy-alpha-methyltryptamine.^[L]_{SEP}

(xiv) 5-methoxy-3, 4-methylenedioxyamphetamine.^[L]_{SEP}

(xv) (2-METHYLAMINOPROPYL)-BENZOFURAN (MAPB)

(xv) 4-methyl-2, 5-dimethoxyamphetamine.^[L]_{SEP}

(xvi) Ibogaine.^[L]_{SEP}

(xvii) Lysergic acid amide.^[L]_{SEP}

(xviii) Lysergic acid diethylamide.^[L]_{SEP}

(xix) Mescaline.^[L]_{SEP}

(xx) 4-methoxyamphetamine.

(xxi) Methoxymethylenedioxyamphetamine (MMDA).

(xxii) Methylenedioxyamphetamine (MDA).

(xxiii) 3, 4-methylenedioxymethamphetamine.

(xxiv) 3, 4-methylenedioxy-N-ethylamphetamine.

(xxv) N-ethyl-3-piperidyl benzilate (JB-318).

(xxvi) N-hydroxy-3, 4-methylenedioxyamphetamine.

(xxvii) N-methyl-3-piperidyl benzilate (JB-336).

(xxviii) N-methyltryptamine mimetic substances that are any substances derived from N- methyltryptamine by any substitution at the nitrogen, any substitution at the indole ring, any substitution at the alpha carbon, any substitution at the beta carbon or any combination of the above. N-methyltryptamine mimetic substances do not include melatonin (5-methoxy-n- acetyltryptamine). Substances in the N-methyltryptamine generic definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT, DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT, MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.

(xxix) N-(1-phenylcyclohexyl) ethylamine (PCE).

(xxx) Nabilone.

(xxxi) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).

(xxxii) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).

(xxxiii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.

(xxxiv) Para-methoxyamphetamine (PMA).

(xxxv) Psilacetin.

(xxxvi) Psilocybin.

(xxxvii) Psilocyn.

(xxxviii) Synhexyl.

(xxxix) Trifluoromethylphenylpiperazine (TFMPP).

(xl) Trimethoxyamphetamine (TMA).

(xli) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).

(xlii) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).

(xliii) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).

(xliv) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).

(xlv) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200 and isomers).

(xlvi) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).

(xlvii) (2-methyl-1-propyl-1H-indol-3-YL)-1-naphthalenyl-methanone (JWH-015 and isomers).

(xlviii) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-YL)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).

(xlix) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol (CP 47,497 and isomers).

(l) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).

(b) Any material, compound, mixture or preparation that contains any quantity of cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means any substances within the following structural classes:

(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of

the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent. Substances in the 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.

(ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.

3-NAPHTHOYL-INDAZOLE OR 3-(NAPHTHYLMETHANE)-INDAZOLE BY SUBSTITUTION AT ONE OR BOTH OF THE NITROGEN ATOMS OF THE OF THE INDAZOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED ON THE INDAZOLE RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED ON THE NAPHTHOYL RING TO ANY EXTENT. SUBSTANCES IN THE 3-NAPHTHOYL-INDAZOLE OR 3-(NAPHTHYLMETHANE)-INDAZOLE GENERIC DEFINITION INCLUDE THJ2201 AND THJ-018.

(iii) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307,

JWH-308, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and JWH-392.

(iv) 1-(naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent. Substances in the 1-(naphthylmethylene)indene generic definition include JWH-176.

(v) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent. Substances in the 3-(phenylacetyl)indole generic definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.

(vi) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone) indole generic definition include UR-144, fluoro-UR-144 and XLR-11.

(vii) 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the 3-adamantoylindole generic definition include AB-001.

(viii) N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide generic definition include SDB-001.

(ix) **INDOLE-3-CARBOXAMIDE OR Indazole-3-carboxamide with**

substitution at **THE NITROGEN ATOM OF THE INDOLE RING OR BY SUBSTITUTION AT ONE OR BOTH OF THE** nitrogen atomS of the indazole ring, whether or not further substituted on the **INDOLE RING OR THE** indazole ring to any extent, whether or not substituted on the nitrogen of the carboxamide to any extent. Substances in the **INDOLE-3-CARBOXAMIDE OR** indazole-3-carboxamide generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA , AB-FUBINACA, **ABICA AND ADBICA.**

(x) **8-quinolinyl-indole-3-carboxylate OR 8-QUINOLINYL-INDAZOLE-3- CARBOXYLATE** by substitution at the nitrogen atom of the indole ring **OR BY SUBSTITUTION AT ONE OR BOTH OF THE NITROGEN ATOMS OF THE INDAZOLE RING**, whether or not further substituted in the indole **RING OR INDAZOLE** ring to any extent, whether or not substituted on the quinoline ring to any extent. Substances in the 8-quinolinyl-indole-3-carboxylate **OR THE 8-QUINOLINYL-INDAZOLE- 3-CARBOXYLATE** generic definition include PB-22, fluoro-PB-22, **NPB-22 AND FLUORO-NPB-22.**

(xi) **NAPHTHALENYL-INDOLE-3-CARBOXYLATE OR NAPHTHALENYL- INDAZOLE-3-CARBOXYLATE BY SUBSTITUTION AT THE NITROGEN ATOM OF THE INDOLE RING OR BY SUBSTITUTION AT ONE OR BOTH OF THE NITROGEN ATOMS OF THE INDAZOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED IN THE INDOLE OR INDAZOLE RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED ON THE NAPHTHALENYL RING TO ANY EXTENT. SUBSTANCES IN THE NAPHTHALENYL- INDOLE-3-CARBOXYLATE OR NAPHTHALENYL-INDAZOLE-3-CARBOXYLATE GENERIC DEFINITION INCLUDE NM2201, FDU-PB-22, SDB-005 AND FLUORO SDB-005.**

(c) Any material, compound, mixture or preparation that contains any quantity of the following substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers having a potential for abuse associated with a stimulant effect on the central nervous system:

- (i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).**
- (ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).**
- (iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).**
- (iv) Alpha-pyrrolidinovalerothiophenone (Alpha-PVT).**
- (v) Aminoindane mimetic substances that are derived from aminoindane by any substitution at the indane ring, replacement of the amino group with another N group or any combination of the above. Substances in the aminoindane generic definition include MDAI, MMAI, IAI and AMMI.**
- (vi) Amphetamine.**
- (vii) Benzphetamine.**
- (viii) Benzylpiperazine (BZP).**
- (ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).**
- (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).**
- (xi) Butorphanol.**
- (xii) Cathine ((+)-norpseudoephedrine).**
- (xiii) Cathinomimetic substances that are any substances derived from cathinone, (2-amino- 1-phenyl-1-propanone) by any substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.**
- (xiv) Cathinone.**
- (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).**
- (xvi) Chlorphentermine.**
- (xvii) Clortermine.**
- (xviii) Diethylpropion.**
- (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).**

- (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- [SEP](xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).[SEP]
- (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).[SEP]
- (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).[SEP]
- (xxv) Dimethylcathinone (Metamfepramone).[SEP]
- (xxvi) Ethcathinone.[SEP]
- (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (xxviii) Fencamfamin.[SEP]
- (xxix) Fenethylline.[SEP]
- (xxx) Fenproporex.[SEP]
- (xxxi) Fluoroamphetamine.[SEP]
- (xxxii) Fluoromethamphetamine.
- [SEP](xxxiii) Fluoromethcathinone.[SEP]
- (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (xxxvi) Mazindol.[SEP]
- (xxxvii) Mefenorex.[SEP]
- (xxxviii) Methamphetamine.
- (xxxix) Methcathinone.[SEP]
- (xl) Methiopropamine.[SEP]
- (xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).

(xlii) Methoxymethcathinone (methedrone).

(xliii) Methoxyphenethylamine mimetic substances that are any substances derived from 2, 5-dimethoxy-phenethylamine by any substitution at the phenyl ring, any substitution at the nitrogen atom, any substitutions at the carbon atoms of the ethylamine, or any combination of the above substitutions.

(xliv) 4-methylaminorex.

(xlv) Methyl- α -pyrrolidinobutiophenone (MPBP).

(xlvi) Methylenedioxy- α -pyrrolidinopropiophenone (MDPPP).

(xlvii) Methylenedioxyethcathinone (Ethylone).

(xlviii) Methylenedioxymethcathinone (Methylone).

(xlix) Methylenedioxypyrovalerone (MDPV).

(l) Methilmethcathinone (Mephedrone).

(li) Methylphenidate.

(lii) Modafinil.

(liii) Naphthylpyrovalerone (Naphyrone).

(liv) N-ethylamphetamine.

(lv) N, N-dimethylamphetamine.

(lvi) Pemoline.

(lvii) Phendimetrazine.

(lviii) Phenmetrazine.

(lix) Phentermine.

(lx) Pipradol.

(lxi) Propylhexedrine.

(Ixii) Pyrovalerone.

(Ixiii) Sibutramine.

(Ixiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).

(d) Any material, compound, mixture or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(i) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, unless specifically excepted.

(ii) Alprazolam.

(iii) Bromazepam.

(iv) Camazepam.

(v) Carisoprodol.

(vi) Chloral betaine.

(vii) Chloral hydrate.

(viii) Chlordiazepoxide.

(ix) Chlorhexadol.

(x) Clobazam.

(xi) Clonazepam.

(xii) Clorazepate.

(xiii) Clotiazepam.

(xiv) Cloxazolam.

(xv) Delorazepam.

(xvi) Diazepam.

[SEP](xvii) Dichloralphenazone.

(xviii) Estazolam.

ETIZOLAM

(xix) Ethchlorvynol.[SEP]

(xx) Ethinamate.[SEP]

(xxi) Ethyl loflazepate.

[SEP](xxii) Fenfluramine.[SEP]

(xxiii) Fludiazepam.

[SEP](xxiv) Flunitrazepam.

(xxv) Flurazepam.[SEP]

(xxvi) Gamma hydroxy butyrate.

(xxvii) Glutethimide.

(xxviii) Halazepam.[SEP]

(xxix) Haloxazolam.[SEP]

(xxx) Hydroxyphencyclidine (HO-PCP).

[SEP](xxxi) Ketamine.[SEP]

(xxxii) Ketazolam.[SEP]

(xxxiii) Loprazolam.[SEP]

(xxxiv) Lorazepam.[SEP]

(xxxv) Lormetazepam.[SEP]

(xxxvi) Lysergic acid.[SEP]

- (xxxvii) Mebutamate.**
- (xxxviii) Mecloqualone.**
- (xxxix) Medazepam.**
- (xl) Meproamate.**
- (xli) Methaqualone.**
- (xlii) Methohexital.**
- (xliii) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone(Methoxetamine).**
- (xliv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone(Methoxyketamine).**
- (xlv) Methoxyphencyclidine(MeO-PCP).**
- (xlvi) Methypylon.**
- (xlvii) Midazolam.**
- (xlviii) Nimetazepam.**
- (xlix) Nitrazepam.**
- (l) Nordiazepam.**
- (li) Oxazepam.**
- (lii) Oxazolam.**
- (liii) Paraldehyde.**
- (liv) Petrichloral.**
- (lv) Phencyclidine (PCP).**
- (lvi) Phencyclidine mimetic substances that are any substances derived from phenylcyclohexylpiperidine by any substitution at the phenyl ring, any substitution at the piperidine ring, any substitution at the cyclohexyl ring, any replacement of the phenyl ring or any combination of the**

above. Substances in the phenylcyclohexylpiperidine generic definition include Amino-PCP, BCP, Bromo-PCP, BTCP, Chloro-PCP, Fluoro-PCP, HO-PCP, MeO-PCP, Methyl-PCP, Nitro-PCP, Oxo-PCP, PCE, PCM, PCPY, TCP and TCPY.

(lvii) Pinazepam.

(lviii) Prazepam.

(lix) Scopolamine.

(lx) Sulfondiethylmethane.

(lxi) Sulfonethylmethane.

(lxii) Sulfonmethane.

(lxiii) Quazepam.

(lxiv) Temazepam.

(lxv) Tetrazepam.

(lxvi) Tiletamine.

(lxvii) Triazolam.

(lxviii) Zaleplon.

(lxix) Zolazepam.

(lxx) Zolpidem.

ZOPICLONE

(e) Any material, compound, mixture or preparation that contains any quantity of the following anabolic steroids and their salts, isomers or esters:

(i) Boldenone.

~~SEP~~ (ii) Clostebol (4-chlorotestosterone).

(iii) Dehydrochloromethyltestosterone.

(iv) Drostanolone.

(v) Ethylestrenol.

(vi) Fluoxymesterone.

(vii) Formebolone (formebolone).

(viii) Mesterolone.

(ix) Methandriol.

(x) Methandrostenolone (methandienone).

(xi) Methenolone.

(xii) Methyltestosterone.

(xiii) Mibolerone.

(xiv) Nandrolone.

(xv) Norethandrolon.

(xvi) Oxandrolone.

(xvii) Oxymesterone.

(xviii) Oxymetholone.

(xix) Stanolone (4-dihydrotestosterone).

(xx) Stanozolol.

(xxi) Testolactone.

(xxii) Testosterone.

(xxiii) Trenbolone.

7. "Deliver" means the actual, constructive or attempted exchange

from one person to another, whether or not there is an agency relationship.^[1]_{SEP}

8. "Director" means the director of the department of health services.^[1]_{SEP}

9. "Dispense" means distribute, leave with, give away, dispose of or deliver.

10. "Drug court program" means a program that is established pursuant to section 13-3422 by the presiding judge of the superior court in cooperation with the county attorney in a county for the purpose of prosecuting, adjudicating and treating drug dependent persons who meet the criteria and guidelines for entry into the program that are developed and agreed on by the presiding judge and the prosecutor.

11. "Drug dependent person" means a person who is using a substance that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in a state of psychological or physical dependence, or both, arising from the use of that substance.

12. "Federal act" has the same meaning prescribed in section 32-1901.

13. "Isoamidone" means any substance identified chemically as (4-4-diphenyl-5-methyl-6- dimethylaminohexanone-3), or any salt of such substance, by whatever trade name designated.

14. "Isonipecaine" means any substance identified chemically as (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of such substance, by whatever trade name designated.

15. "Ketobemidone" means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any salt of such substance, by whatever trade name designated.

16.

"Licensed" or "permitted" means authorized by the law of this state to do certain things.

17. "Manufacture" means produce, prepare, propagate, compound, mix or process, directly or indirectly, by extraction from substances of

natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Manufacture includes any packaging or repackaging or labeling or relabeling of containers. Manufacture does not include any producing, preparing, propagating, compounding, mixing, processing, packaging or labeling done in conformity with applicable state and local laws and rules by a licensed practitioner incident to and in the course of his licensed practice.

18.

"Manufacturer" means a person who manufactures a narcotic or dangerous drug or other substance controlled by this chapter.

19. "Marijuana" means all parts of any plant of the genus cannabis, from which the resin has not been extracted, whether growing or not, and the seeds of such plant. Marijuana does not include the mature stalks of such plant or the sterilized seed of such plant which is incapable of germination.

20. "Narcotic drugs" means the following, whether of natural or synthetic origin and any substance neither chemically nor physically distinguishable from them:

(a) Acetyl-alpha-methylfentanyl.

(b) Acetylmethadol.

(c) Alfentanil.

(d) Allylprodine.

(e) Alphacetylmethadol.

(f) Alphameprodine.

(g) Alphamethadol.

(h) Alpha-methylfentanyl.

(i) Alpha-methylthiofentanyl.

(j) Alphaprodine.

(k) Amidone (methadone).

(l) Anileridine.

(m) Benzethidine.

(n) Benzylfentanyl.

(o) Betacetylmethadol.

(p) Beta-hydroxyfentanyl.

(q) Beta-hydroxy-3-methylfentanyl.

(r) Betameprodine.

(s) Betamethadol.

(t) Betaprodine.

(u) Bezitramide.

(v) Buprenorphine and its salts.

(w) Cannabis.

(x) Carfentanil.

(y) Clonitazene.

(z) Coca leaves.

(aa) Dextromoramide.

(bb) Dextropropoxyphene.

(cc) Diampromide.

(dd) Diethylthiambutene.

(ee) Difenoxin.

(ff) Dihydrocodeine.

[SEP](gg) Dimenoxadol.

[SEP](hh) Dimepheptanol.[SEP]

(ii) Dimethylthiambutene.[SEP]

(jj) Dioxaphetyl butyrate.

[SEP](kk) Diphenoxylate.[SEP]

(ll) Dipipanone.[SEP]

(mm) Ethylmethylthiambutene.[SEP]

(nn) Etonitazene.[SEP]

(oo) Etoxeridine.

[SEP](pp) Fentanyl.[SEP]

(qq) Fentanyl mimetic substances that are any substances derived from fentanyl by any substitution in the phenethyl group, any substitution in the piperidine ring, any substitution in the aniline ring, any replacement of the phenyl portion of the phenethyl group, any replacement of the N-propionyl group or any combination of the above.

(rr) Furethidine.

[SEP](ss) Hydroxypethidine.[SEP]

(tt) Isoamidone (isomethadone).[SEP]

(uu) Pethidine (meperidine).[SEP]

(vv) Ketobemidone.[SEP]

(ww) Levomethorphan.[SEP]

(xx) Levomoramide.

[SEP](yy) Levophenacymorphan.[SEP]

(zz) Levorphanol.[SEP]

(aaa) Metazocine.
(bbb) 3-methylfentanyl.
(ccc) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
(ddd) 3-methylthiofentanyl.
(eee) Morpheridine.
(fff) Noracymethadol.
(ggg) Norlevorphanol.
(hhh) Normethadone.
(iii) Norpipanone.
(jjj) Opium.
(kkk) Para-fluorofentanyl.
(lll) Pentazocine.
(mmm) Phenadoxone.
(nnn) Phenampromide.
(ooo) Phenazocine.
(ppp) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
(qqq) Phenomorphan.
(rrr) Phenoperidine.
(sss) Piminodine.
(ttt) Piritramide.
(uuu) Proheptazine.
(vvv) Properidine.

(www) Propiram.

(xxx) Racemethorphan.

(yyy) Racemoramide.

(zzz) Racemorphan.

(aaaa) Remifentanil.

(bbbb) Sufentanil.

(cccc) Thenylfentanyl.

(dddd) Thiofentanyl.

(eeee) Tilidine.

TRAMADOL

(ffff) Trimeperidine.

21. "Opium" means any compound, manufacture, salt, isomer, salt of isomer, derivative, mixture or preparation of the following, but does not include apomorphine or any of its salts:

(a) Acetorphine.

(b) Acetyldihydrocodeine.

(c) Benzylmorphine.

(d) Codeine.

(e) Codeine methylbromide.

(f) Codeine-N-oxide.

(g) Cyprenorphine.

(h) Desomorphine.

(i) Dihydromorphine.

- (j) Drotebanol.**
- (k) Ethylmorphine.**
- (l) Etorphine.**
- (m) Heroin.**
- (n) Hydrocodone.**
- (o) Hydromorphenol.**
- (p) Hydromorphone.**
- (q) Levo-alphaacetylmethadol.**
- (r) Methyldesorphine.**
- (s) Methyldihydromorphine.**
- (t) Metopon.**
- (u) Morphine.**
- (v) Morphine methylbromide.**
- (w) Morphine methylsulfonate.**
- (x) Morphine-N-oxide.**
- (y) Myrophine.**
- (z) Nalorphine.**
- (aa) Nicocodeine.**
- (bb) Nicomorphine.**
- (cc) Normorphine.**
- (dd) Oxycodone.**
- (ee) Oxymorphone.**

(ff) Pholcodine.

(gg) Thebacon.

(hh) Thebaine.

22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product" means a product that contains ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is all of the following:

(a) Approved for sale under the federal act.

(b) Labeled, advertised and marketed only for an indication that is approved by the federal food and drug administration.

(c) Either:

(i) A nonliquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is packaged in blister packs containing not more than two dosage units or, if the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches.

(ii) A liquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine.

23. "Peyote" means any part of a plant of the genus *lophophora*, known as the mescal button.

24. "Pharmacy" means a licensed business where drugs are compounded or dispensed by a licensed pharmacist.

25. "Practitioner" means a person licensed to prescribe and administer drugs.

26. "Precursor chemical I" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- (a) N-acetylanthranilic acid.
- (b) Anthranilic acid.
- (c) Ephedrine.
- (d) Ergotamine.
- (e) Isosafrole.
- (f) Lysergic acid.
- (g) Methylamine.
- (h) N-ethylephedrine.
- (i) N-ethylpseudoephedrine.
- (j) N-methylephedrine.
- (k) N-methylpseudoephedrine.
- (l) Norephedrine.
- (m) (-)-Norpseudoephedrine.
- (n) Phenylacetic acid.
- (o) Phenylpropanolamine.
- (p) Piperidine.
- (q) Pseudoephedrine.

27. "Precursor chemical II" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- (b) 4-cyano-1-methyl-4-phenylpiperidine.
- (c) Chlorephedrine.

- (d) Chlorpseudoephedrine.
- (e) Ethyl-4-phenylpiperidine-4-carboxylate.^[SEP]
- (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.^[SEP]
- (h) N-formyl amphetamine.^[SEP]
- (i) N-formyl methamphetamine.^[SEP]
- (j) Phenyl-2-propanone.^[SEP]
- (k) 1-piperidinocyclohexane carbonitrile.^[SEP]
- (l) 1-pyrrolidinocyclohexane carbonitrile.

28. "Prescription-only drug" does not include a dangerous drug or narcotic drug but means: (a) Any drug which because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not generally recognized among experts, qualified by scientific training and experience to evaluate its safety and efficacy, as safe for use except by or under the supervision of a medical practitioner.

(b) Any drug that is limited by an approved new drug application under the federal act or section 32-1962 to use under the supervision of a medical practitioner.

(c) Every potentially harmful drug, the labeling of which does not bear or contain full and adequate directions for use by the consumer.

(d) Any drug required by the federal act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription" or "Rx only".

29. "Produce" means grow, plant, cultivate, harvest, dry, process or prepare for sale.

30. "Regulated chemical" means the following substances in bulk form

that are not a useful part of an otherwise lawful product:

(a) Acetic anhydride.

(b) Hypophosphorous acid.

(c) Iodine.

(d) Sodium acetate.

(e) Red phosphorus.

(f) Gamma butyrolactone (GBL).

(g) 1, 4-butanediol.

(h) Butyrolactone.

(i) 1, 2 butanolide.

(j) 2-oxanalone.

(k) Tetrahydro-2-furanone.

(l) Dihydro-2(3H)-furanone.

(m) Tetramethylene glycol.

31. "Retailer" means either: (a) A person other than a practitioner who sells any precursor chemical or regulated chemical to another person for purposes of consumption and not resale, whether or not the person possesses a permit issued pursuant to title 32, chapter 18.

(b) A person other than a manufacturer or wholesaler who purchases, receives or acquires more than twenty-four grams of a precursor chemical.

32. "Sale" or "sell" means an exchange for anything of value or advantage, present or prospective.

33. "Sale for personal use" means the retail sale for a legitimate medical use in a single transaction to an individual customer, to an employer for

dispensing to employees from first aid kits or medicine chests or to a school for administration pursuant to section 15-344.

34. "Scientific purpose" means research, teaching or chemical analysis.^[SEP] 35. "Suspicious transaction" means a transaction to which any of the following applies:

- (a) A report is required under the federal act.
- (b) The circumstances would lead a reasonable person to believe that any person is attempting to possess a precursor chemical or regulated chemical for the purpose of unlawful manufacture of a dangerous drug or narcotic drug, based on such factors as the amount involved, the method of payment, the method of delivery and any past dealings with any participant.
- (c) The transaction involves payment for precursor or regulated chemicals in cash or money orders in a total amount of more than two hundred dollars.
- (d) The transaction involves a sale, a transfer or furnishing to a retailer for resale without a prescription of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product.

36. "Threshold amount" means a weight, market value or other form of measurement of an unlawful substance as follows:

- (a) One gram of heroin.^[SEP]
- (b) Nine grams of cocaine.
- ^[SEP](c) Seven hundred fifty milligrams of cocaine base or hydrolyzed cocaine.
- (d) Four grams or 50 milliliters of PCP.^[SEP]
- (e) Nine grams of methamphetamine, including methamphetamine in liquid suspension.^[SEP]

(f) Nine grams of amphetamine, including amphetamine in liquid suspension.

(g) One half milliliter of lysergic acid diethylamide, or in the case of blotter dosage units fifty dosage units.

(h) Two pounds of marijuana.

(i) For any combination consisting solely of those unlawful substances listed in subdivisions (a) through (h) of this paragraph, an amount equal to or in excess of the threshold amount, as determined by the application of section 13-3420.

(j) For any unlawful substance not listed in subdivisions (a) through (h) of this paragraph or any combination involving any unlawful substance not listed in subdivisions (a) through (h) of this paragraph, a value of at least one thousand dollars.

37. "Transfer" means furnish, deliver or give away.

38. "Vapor-releasing substance containing a toxic substance" means a material which releases vapors or fumes containing any of the following:

(a) Ketones, including acetone, methyl ethyl ketone, mibk, miak, isophorone and mesityl oxide.

(b) Hydrocarbons, including propane, butane, pentane, hexane, heptane and halogenated hydrocarbons.

(c) Ethylene dichloride.

(d) Pentachlorophenol.

(e) Chloroform.

(f) Methylene chloride.

(g) Trichloroethylene.

(h) Difluoroethane.

(i) Tetrafluoroethane.

[SEP](j) Aldehydes, including formaldehyde.[SEP]

(k) Acetates, including ethyl acetate and butyl acetate.[SEP]

(l) Aromatics, including benzene, toluene, xylene, ethylbenzene and cumene.[SEP]

(m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl alcohol, butyl alcohol and diacetone alcohol.[SEP]

(n) Ether, including Diethyl ether and petroleum ether.

(o) Nitrous oxide.

[SEP](p) Amyl nitrite.

[SEP](q) Isobutyl nitrite.

39. "Weight" unless otherwise specified includes the entire weight of any mixture or substance that contains a detectable amount of an unlawful substance. If a mixture or substance contains more than one unlawful substance, the weight of the entire mixture or substance is assigned to the unlawful substance that results in the greater offense. If a mixture or substance contains lysergic acid diethylamide, the offense that results from the unlawful substance shall be based on the greater offense as determined by the entire weight of the mixture or substance or the number of blotter dosage units. For the purposes of this paragraph, "mixture" means any combination of substances from which the unlawful substance cannot be removed without a chemical process.

40. "Wholesaler" means a person who in the usual course of business lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or regulated chemicals that he himself has not produced or prepared, but not to a person for the purpose of consumption by the person, whether or not the wholesaler has a permit that is issued pursuant to title 32, chapter 18. Wholesaler includes a person who sells, delivers or dispenses a precursor chemical in an amount or under circumstances that would require registration as a distributor of precursor chemicals

under the federal act.

REFERENCE TITLE: **civil liability; minors; animals; vehicle.**

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1001

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 12, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-558.02; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 12, chapter 5, article 3, Arizona Revised Statutes, is amended by adding section 12-558.02, to read:

12-558.02. Limited liability; removing minor or confined animal from motor vehicle; definition

A. A PERSON WHO USES REASONABLE FORCE TO ENTER A LOCKED AND UNATTENDED MOTOR VEHICLE TO REMOVE A MINOR OR CONFINED DOMESTIC ANIMAL IS NOT LIABLE FOR ANY DAMAGES IN A CIVIL ACTION IF ALL OF THE FOLLOWING APPLY:

1. THE PERSON HAS A GOOD FAITH BELIEF THAT THE MINOR OR CONFINED DOMESTIC ANIMAL IS IN IMMINENT DANGER OF SUFFERING PHYSICAL INJURY OR DEATH UNLESS THE MINOR OR DOMESTIC ANIMAL IS REMOVED FROM THE MOTOR VEHICLE.

2. BEFORE ENTERING THE MOTOR VEHICLE, THE PERSON NOTIFIES A PEACE OFFICER, EMERGENCY MEDICAL SERVICE PROVIDER OR FIRST RESPONDER OR AN ANIMAL CONTROL ENFORCEMENT AGENT OR DEPUTY, IF APPROPRIATE, OF THE MINOR OR CONFINED DOMESTIC ANIMAL.

3. THE PERSON REMAINS WITH THE MINOR OR DOMESTIC ANIMAL UNTIL THE PERSON WHO IS CONTACTED AS PRESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION ARRIVES AT THE MOTOR VEHICLE.

B. FOR THE PURPOSES OF THIS SECTION, "DOMESTIC ANIMAL" MEANS A DOG, A CAT OR ANOTHER ANIMAL THAT IS DOMESTICATED AND THAT IS KEPT AS A HOUSEHOLD PET.

REFERENCE TITLE: **theft; American flag; penalty**

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1009

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 13-1802, ARIZONA REVISED STATUTES; RELATING TO THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-1802, Arizona Revised Statutes, is amended to read:

13-1802. Theft; classification; definitions

A. A person commits theft if, without lawful authority, the person knowingly:

1. Controls property of another with the intent to deprive the other person of such property;

or

2. Converts for an unauthorized term or use services or property of another entrusted to the defendant or placed in the defendant's possession for a limited, authorized term or use; or

3. Obtains services or property of another by means of any material misrepresentation with intent to deprive the other person of such property or services; or

4. Comes into control of lost, mislaid or misdelivered property of another under circumstances providing means of inquiry as to the true owner and appropriates such property to the person's own or another's use without reasonable efforts to notify the true owner; or

5. Controls property of another knowing or having reason to know that the property was stolen; or

6. Obtains services known to the defendant to be available only for compensation without paying or an agreement to pay the compensation or diverts another's services to the person's own or another's benefit without authority to do so; or

7. Controls the ferrous metal or nonferrous metal of another with the intent to deprive the other person of the metal; or

8. Controls the ferrous metal or nonferrous metal of another knowing or having reason to know that the metal was stolen; or

9. Purchases within the scope of the ordinary course of business the ferrous metal or nonferrous metal of another person knowing that the metal was stolen.

B. A person commits theft if, without lawful authority, the person knowingly takes control, title, use or management of a vulnerable adult's property while acting in a position of trust and confidence and with the intent to deprive the vulnerable adult of the property. Proof that a person took control, title, use or management of a vulnerable adult's property without adequate consideration to the vulnerable adult may give rise to an inference that the person intended to deprive the vulnerable adult of the property.

C. It is an affirmative defense to any prosecution under subsection B of this section that either:

1. The property was given as a gift consistent with a pattern of gift giving to the person that existed before the adult became vulnerable.

2. The property was given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the adult became vulnerable.

3. The superior court approved the transaction before the transaction occurred.

D. The inferences set forth in section 13-2305 apply to any prosecution under subsection A, paragraph 5 of this section.

E. At the conclusion of any grand jury proceeding, hearing or trial, the court shall preserve any trade secret that is admitted in evidence or any portion of a transcript that contains information relating to the trade secret pursuant to section 44-405.

F. Subsection B of this section does not apply to an agent who is acting within the scope of the agent's duties as or on behalf of a health care institution that is licensed pursuant to title 36, chapter 4 and that provides services to the vulnerable adult.

G. Theft of property or services with a value of twenty-five thousand dollars or more is a class 2 felony. Theft of property or services with a value of four thousand dollars or more but less than twenty-five thousand dollars is a class 3 felony. Theft of property or services with a value of three thousand dollars or more but less than four thousand dollars is a class 4 felony, except that theft of any vehicle engine or transmission is a class 4 felony regardless of value. Theft of property or services with a value of two thousand dollars or more but less than three thousand dollars is a class

5 felony. Theft of property or services with a value of one thousand dollars or more but less than two thousand dollars is a class 6 felony. Theft of any property or services valued at less than one thousand dollars is a class 1 misdemeanor, unless the property is taken from the person of another, is a firearm, IS AN AMERICAN FLAG ON DISPLAY FOR OTHER THAN ITS RETAIL SALE or is an animal taken for the purpose of animal fighting in violation of section 13-2910.01, in which case the theft is a class 6 felony.

H. A person who is convicted of a violation of subsection A, paragraph 1 or 3 of this section that involved property with a value of one hundred thousand dollars or more is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except pursuant to section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

I. For the purposes of this section, the value of ferrous metal or nonferrous metal includes the amount of any damage to the property of another caused as a result of the theft of the metal.

J. In an action for theft of ferrous metal or nonferrous metal:

1. Unless satisfactorily explained or acquired in the ordinary course of business by an automotive recycler as defined and licensed pursuant to title 28, chapter 10 or by a scrap metal dealer as defined in section 44-1641, proof of possession of scrap metal that was recently stolen may give rise to an inference that the person in possession of the scrap metal was aware of the risk that it had been stolen or in some way participated in its theft.

2. Unless satisfactorily explained or sold in the ordinary course of business by an automotive recycler as defined and licensed pursuant to title 28, chapter 10 or by a scrap metal dealer as defined in section 44-1641, proof of the sale of stolen scrap metal at a price substantially below its fair market value may give rise to an inference that the person selling the scrap metal was aware of the risk that it had been stolen.

K. For the purposes of this section:

1. "Adequate consideration" means the property was given to the person as payment for bona fide goods or services provided by the person and the payment was at a rate that was customary for similar goods or services in the community that the vulnerable adult resided in at the time of the transaction.

2. "Ferrous metal" ~~and "nonferrous metal"~~ have HAS the same meanings MEANING prescribed in section 44-1641.

3. "Pattern of gift giving" means two or more gifts that are the same or similar in type and monetary value.

4. "Position of trust and confidence" has the same meaning prescribed in section 46-456.

5. "Property" includes all forms of real property and personal property.

6. "Vulnerable adult" has the same meaning prescribed in section 46-451.

REFERENCE TITLE: **marijuana; sentence; civil penalty; fines**

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2002

Introduced by
Representative Cardenas

AN ACT

AMENDING SECTIONS 13-3405, 13-3419 AND 41-1604.16, ARIZONA REVISED STATUTES; RELATING TO MARIJUANA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-3405, Arizona Revised Statutes, is amended to read:

13-3405. Possession, use, production, sale or transportation of marijuana; civil penalty; classification

A. A person shall not knowingly:

1. Possess or use marijuana.
2. Possess marijuana for sale.
3. Produce marijuana.

4. Transport for sale, import into this state or offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer marijuana.

B. A person who violates:

1. Subsection A, paragraph 1 of this section involving an amount of marijuana not possessed for sale having a weight of less than ~~two pounds~~ **ONE OUNCE** is ~~guilty of a class 6 felony~~ **SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS, EXCEPT THAT IF THE PERSON DOES NOT PAY THE PENALTY IN FULL WITHIN NINETY DAYS, THE PENALTY INCREASES TO DOUBLE THE ORIGINAL AMOUNT.**

2. Subsection A, paragraph 1 of this section involving an amount of marijuana not possessed for sale having a weight of at least ~~two pounds~~ **ONE OUNCE** but less than ~~four~~ **TWO** pounds is guilty of a ~~class 5 felony~~ **PETTY OFFENSE.**

3. Subsection A, paragraph 1 of this section involving an amount of marijuana not possessed for sale having a weight of ~~four~~ **TWO** pounds or more is guilty of a class ~~4 felony~~ **3 MISDEMEANOR.**

4. Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 4 felony.

5. Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class 3 felony.

6. Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of more than four pounds is guilty of a class 2 felony.

7. Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class ~~5 felony~~ **3 MISDEMEANOR.**

8. Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class ~~4~~ **6** felony.

9. Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of more than four pounds is guilty of a class ~~3~~ **5** felony.

10. Subsection A, paragraph 4 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 3 felony.

11. Subsection A, paragraph 4 of this section involving an amount of marijuana having a weight of two pounds or more is guilty of a class 2 felony.

~~C. If the aggregate amount of marijuana involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold amount, a person who is sentenced pursuant to subsection B, paragraph 5, 6, 8, 9 or 11 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.~~

C. NOTWITHSTANDING ANY OTHER PENALTY PRESCRIBED BY THIS TITLE, A JUVENILE WHO IS ADJUDICATED DELINQUENT FOR A FIRST VIOLATION OF THIS SECTION SHALL BE SENTENCED PURSUANT TO THIS SUBSECTION. THE COURT SHALL ORDER THE JUVENILE TO COMPLETE AT LEAST TEN HOURS OF COMMUNITY RESTITUTION WITH AN AGENCY OR ORGANIZATION THAT PROVIDES COUNSELING, REHABILITATION OR TREATMENT FOR ALCOHOL OR DRUG ABUSE, AN AGENCY OR ORGANIZATION THAT PROVIDES MEDICAL TREATMENT TO PERSONS WHO ABUSE CONTROLLED SUBSTANCES, AN AGENCY OR ORGANIZATION THAT SERVES PERSONS

WHO ARE VICTIMS OF CRIME OR ANY OTHER APPROPRIATE AGENCY OR ORGANIZATION. IF THE JUVENILE DOES NOT COMPLETE COMMUNITY RESTITUTION WITHIN ONE YEAR, THE JUVENILE IS SUBJECT TO ALL OTHER PENALTIES PRESCRIBED BY THIS SECTION. THE JUVENILE'S PARENT OR GUARDIAN SHALL BE NOTIFIED OF THE JUVENILE'S VIOLATION OF THIS SECTION AND DRUG AWARENESS PROGRAMS THAT ARE AVAILABLE.

D. In addition to any other penalty prescribed by this title, the court shall order a person who is convicted of a violation of any provision of this section to pay a fine of not less than seven hundred fifty dollars or three times the value as determined by the court of the marijuana involved in or giving rise to the charge, whichever is greater, and not more than the maximum authorized by chapter 8 of this title. A judge ~~shall not~~ **MAY** suspend any part or all of the imposition of any fine required by this subsection.

E. A person who is convicted of a felony violation of any provision of this section for which probation or release before the expiration of the sentence imposed by the court is authorized is prohibited from using any marijuana, dangerous drug or narcotic drug except as lawfully administered by a practitioner and as a condition of any probation or release shall be required to submit to drug testing administered under the supervision of the probation department of the county or the state department of corrections as appropriate during the duration of the term of probation or before the expiration of the sentence imposed.

F. If the aggregate amount of marijuana involved in one offense or all of the offenses that are consolidated for trial is less than the statutory threshold amount, a person who is sentenced pursuant to subsection B, paragraph 4, 7 or 10 and who is granted probation by the court shall be ordered by the court that as a condition of probation the person perform not less than two hundred forty hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

G. If a person who is sentenced pursuant to subsection B, paragraph ~~1~~, 2 or 3 of this section is granted probation for a ~~felony~~ violation of this section, the court shall order that as a condition of probation the person perform not less than ~~twenty-four~~ **EIGHT** hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

~~H. If a person is granted probation for a misdemeanor violation of this section, the court shall order as a condition of probation that the person attend eight hours of instruction on the nature and harmful effects of narcotic drugs, marijuana and other dangerous drugs on the human system, and on the laws related to the control of these substances, or perform twenty-four hours of community restitution.~~

Sec. 2. Section 13-3419, Arizona Revised Statutes, is amended to read:

13-3419. Multiple drug offenses not committed on the same occasion; sentencing

A. Except for a person **WHO IS FOUND RESPONSIBLE FOR OR** convicted of possession offenses pursuant to section 13-3405, subsection A, paragraph 1, **OR WHO IS CONVICTED OF POSSESSION OFFENSES PURSUANT TO** section 13-3407, subsection A, paragraph 1 or section 13-3408, subsection A, paragraph 1, a person who is convicted of two or more offenses under this chapter that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions shall be sentenced for the second or subsequent offense pursuant to this section. The person shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted, except that a person

sentenced pursuant to paragraph 1 of this subsection shall be eligible for probation. The presumptive term for paragraph 1, 2, 3 or 4 of this subsection may be aggravated under this section pursuant to section 13-701, subsections C and D. The presumptive term for paragraph 1, 2 or 3 of this subsection may be mitigated within the range under this section pursuant to section 13-701, subsections C and E. The terms are as follows:

1. For two offenses for which the aggregate amount of drugs involved in one offense or both of the offenses is less than the statutory threshold amount for the second offense:

<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	1.8 years	2.5 years	3.5 years	7 years	8.7 years
Class 4	1.1 years	1.5 years	2.5 years	3 years	3.7 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years

2. For three or more offenses for which the aggregate amount of drugs involved in one offense or all of the offenses is less than the statutory threshold amount for any offense subsequent to the second offense:

<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	1.8 years	2.5 years	3.5 years	7 years	8.7 years
Class 4	1.1 years	1.5 years	2.5 years	3 years	3.7 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years

3. For two offenses for which the aggregate amount of drugs involved in one offense or all of the offenses equals or exceeds the statutory threshold amount for the second offense:

<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	1.8 years	2.5 years	3.5 years	7 years	8.7 years
Class 4	1.1 years	1.5 years	2.5 years	3 years	3.7 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years

4. For three or more offenses for which the aggregate amount of drugs involved in one offense or all of the offenses equals or exceeds the statutory threshold amount for any offense subsequent to the second offense:

<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
Class 2	4 years	7 years	12 years	15 years
Class 3	2.5 years	5 years	9 years	11.2 years
Class 4	1.5 years	3 years	5 years	6.2 years
Class 5	.75 years	2.5 years	4 years	5 years

B. If the court increases or decreases a sentence pursuant to this section, the court shall state on the record the reasons for the increase or decrease.

C. The court shall inform all of the parties before the sentencing occurs of its intent to increase or decrease a sentence pursuant to this section. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing.

Sec. 3. Section 41-1604.16, Arizona Revised Statutes, is amended to read:

41-1604.16. Parole or community supervision eligibility for persons previously convicted of possession or use of marijuana, a dangerous drug or a narcotic drug

A. Notwithstanding any law to the contrary, if a prisoner has been convicted of **OR FOUND RESPONSIBLE FOR** the possession or use of marijuana pursuant to section 13-3405, subsection A, paragraph 1, **OR CONVICTED OF THE** possession or use of a dangerous drug pursuant to section 13-3407, subsection A, paragraph 1 or possession or use of a narcotic drug pursuant to section 13-3408, subsection A, paragraph 1 and the prisoner is not concurrently serving another sentence, the prisoner is eligible for parole or if the offense for which the prisoner was incarcerated was committed on or after January 1, 1994, the prisoner is eligible for community supervision.

B. Any person who has previously been convicted of a violent crime as defined in section 13-901.03 or who has previously been convicted and sentenced in any jurisdiction in the United States of any felony offense is not eligible for parole or community supervision pursuant to this section. If the department is unable to determine if a person has a prior felony conviction, the department shall refer the inmate record to the sentencing court. The sentencing court shall determine if the person has a prior felony conviction. For the purposes of this subsection, the age of the conviction does not matter.

C. On or before June 3, 1997, the director of the state department of corrections shall prepare a list that identifies each person who is eligible for parole or community supervision pursuant to this section and shall deliver the list to the board of executive clemency.

D. An offense that is committed in another jurisdiction and that is not classified as a felony in Arizona is not

REFERENCE TITLE: **marijuana; regulation; taxation**

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2003

Introduced by
Representative Cardenas

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.2; AMENDING TITLE 42, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; RELATING TO THE REGULATION OF MARIJUANA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, Arizona Revised Statutes, is amended by adding chapter 28.2, to read:

CHAPTER 28.2

REGULATION OF MARIJUANA

ARTICLE 1. GENERAL PROVISIONS

36-2821. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CONSUMER" MEANS A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS FOR PERSONAL USE OR USE BY PERSONS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE, BUT NOT FOR RESALE TO OTHERS.

2. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

3. "INDUSTRIAL HEMP" MEANS THE PLANT OF THE GENUS CANNABIS AND ANY PART OF THAT PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED THREE-TENTHS PERCENT ON A DRY-WEIGHT BASIS.

4. "LOCALITY" MEANS A CITY, TOWN OR COUNTY.

5. "LOCAL REGULATORY AUTHORITY" MEANS THE OFFICE OR ENTITY THAT IS DESIGNATED BY A LOCALITY TO PROCESS MARIJUANA ESTABLISHMENT APPLICATIONS.

6. "MARIJUANA":

(a) MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS, THE SEEDS OF THE PLANT, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THE PLANT, ITS SEEDS OR ITS RESIN, INCLUDING MARIJUANA CONCENTRATE.

(b) DOES NOT INCLUDE INDUSTRIAL HEMP OR FIBER PRODUCED FROM THE STALKS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, A STERILIZED SEED OF THE PLANT THAT IS INCAPABLE OF GERMINATION OR THE WEIGHT OF ANY OTHER INGREDIENT

COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK OR ANOTHER PRODUCT.

7. "MARIJUANA ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS OR MATERIALS OF ANY KIND THAT ARE USED, INTENDED FOR USE OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, VAPORIZING OR CONTAINING MARIJUANA, OR FOR INGESTING, INHALING OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

8. "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY THAT IS REGISTERED TO CULTIVATE, PREPARE AND PACKAGE MARIJUANA AND SELL MARIJUANA TO RETAIL MARIJUANA STORES, TO MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

9. "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY OR A RETAIL MARIJUANA STORE.

10. "MARIJUANA PRODUCT MANUFACTURING FACILITY" MEANS AN ENTITY THAT IS REGISTERED TO PURCHASE MARIJUANA, MANUFACTURE, PREPARE AND PACKAGE MARIJUANA PRODUCTS AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO RETAIL MARIJUANA STORES, BUT NOT TO CONSUMERS.

11. "MARIJUANA PRODUCTS" MEANS CONCENTRATED MARIJUANA PRODUCTS AND MARIJUANA PRODUCTS THAT ARE COMPOSED OF MARIJUANA AND OTHER INGREDIENTS AND THAT ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE PRODUCTS, OINTMENTS AND TINCTURES.

12. "MARIJUANA TESTING FACILITY" MEANS AN ENTITY THAT IS REGISTERED TO ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.

13. "PUBLIC PLACE" MEANS ANY PLACE TO WHICH THE GENERAL PUBLIC HAS ACCESS.

14. "RETAIL MARIJUANA STORE" MEANS AN ENTITY THAT IS REGISTERED TO PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES AND MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS.

36-2822. Marijuana; personal use; forfeiture prohibited

A. NOTWITHSTANDING ANY OTHER LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE MAY:

1. POSSESS, CONSUME, USE, DISPLAY, PURCHASE OR TRANSPORT MARIJUANA ACCESSORIES OR ONE OUNCE OR LESS OF MARIJUANA.

2. POSSESS, GROW, PROCESS OR TRANSPORT NOT MORE THAN FIVE MARIJUANA PLANTS AND THE MARIJUANA PRODUCED BY THE PLANTS ON THE PREMISES WHERE THE PLANTS WERE GROWN.

3. TRANSFER, WITHOUT REMUNERATION, ONE OUNCE OR LESS OF MARIJUANA AND NOT MORE THAN FIVE IMMATURE MARIJUANA PLANTS TO A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE.

4. ASSIST ANOTHER PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IN ANY OF THE ACTS DESCRIBED IN THIS SUBSECTION.

B. MARIJUANA AND MARIJUANA ACCESSORIES THAT ARE IN THE POSSESSION OF A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE PURSUANT TO SUBSECTION A OF THIS SECTION ARE NOT SUBJECT TO SEIZURE OR FORFEITURE IN THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

36-2823. Personal cultivation; requirements; civil penalty

A. IT IS UNLAWFUL FOR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE TO CULTIVATE A MARIJUANA PLANT UNLESS:

1. THE MARIJUANA PLANT IS CULTIVATED IN A LOCATION WHERE THE PLANT IS NOT SUBJECT TO PUBLIC VIEW WITHOUT THE USE OF BINOCULARS, AIRCRAFT OR OTHER OPTICAL AIDS.

2. THE PERSON TAKES REASONABLE PRECAUTIONS TO ENSURE THAT THE PLANT IS SECURE FROM UNAUTHORIZED ACCESS AND ACCESS BY A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

3. THE MARIJUANA CULTIVATION OCCURS ONLY ON PROPERTY THAT IS LAWFULLY IN POSSESSION OF THE CULTIVATOR OR WITH THE CONSENT OF THE PERSON WHO IS IN LAWFUL POSSESSION OF THE PROPERTY.

B. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN SEVEN HUNDRED FIFTY DOLLARS.

36-2824. Public smoking prohibited; civil penalty

IT IS UNLAWFUL FOR A PERSON TO SMOKE MARIJUANA IN A PUBLIC PLACE. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS.

36-2825. False identification; violation; classification

A. A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE MAY NOT PRESENT OR OFFER TO A MARIJUANA ESTABLISHMENT OR THE MARIJUANA ESTABLISHMENT'S AGENT OR EMPLOYEE ANY WRITTEN INSTRUMENT OR ORAL EVIDENCE OF AGE THAT IS FALSE, FRAUDULENT OR NOT ACTUALLY THE PERSON'S OWN FOR THE PURPOSE OF EITHER:

1. PURCHASING, ATTEMPTING TO PURCHASE OR OTHERWISE PROCURING OR ATTEMPTING TO PROCURE MARIJUANA.

2. GAINING ACCESS TO A MARIJUANA ESTABLISHMENT.

B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

36-2826. Marijuana accessories

NOTWITHSTANDING ANY OTHER LAW, IN THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE, A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE MAY MANUFACTURE, POSSESS AND PURCHASE MARIJUANA ACCESSORIES AND DISTRIBUTE AND SELL MARIJUANA ACCESSORIES TO A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE.

36-2827. Marijuana establishments; authorization; limitation; forfeiture prohibited

A. NOTWITHSTANDING ANY OTHER LAW, A RETAIL MARIJUANA STORE WITH A CURRENT AND VALID REGISTRATION OR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO IS ACTING IN THE PERSON'S CAPACITY AS AN OWNER, EMPLOYEE OR AGENT OF A RETAIL MARIJUANA STORE WITH A CURRENT AND VALID REGISTRATION MAY DO ALL OF THE FOLLOWING IN THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE:

1. POSSESS, DISPLAY, STORE AND TRANSPORT MARIJUANA AND MARIJUANA PRODUCTS IF THE MARIJUANA AND MARIJUANA PRODUCTS ARE NOT DISPLAYED IN A MANNER THAT IS VISIBLE TO THE GENERAL PUBLIC FROM A PUBLIC RIGHT-OF-WAY.

2. PURCHASE MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY.

3. PURCHASE MARIJUANA AND MARIJUANA PRODUCTS FROM A MARIJUANA PRODUCT MANUFACTURING FACILITY.

4. DELIVER, DISTRIBUTE AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS.

5. LEASE OR OTHERWISE ALLOW THE USE OF PROPERTY OWNED, OCCUPIED OR CONTROLLED BY ANY PERSON, CORPORATION OR OTHER ENTITY FOR ANY OF THE ACTIVITIES CONDUCTED LAWFULLY PURSUANT TO THIS SUBSECTION.

B. NOTWITHSTANDING ANY OTHER LAW, A MARIJUANA CULTIVATION FACILITY WITH A CURRENT AND VALID REGISTRATION OR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO IS ACTING IN THE PERSON'S CAPACITY AS AN OWNER, EMPLOYEE OR AGENT OF A MARIJUANA CULTIVATION FACILITY WITH A CURRENT AND VALID REGISTRATION MAY DO ALL OF THE FOLLOWING IN THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE:

1. CULTIVATE, HARVEST, PROCESS, PACKAGE, TRANSPORT, DISPLAY, STORE AND POSSESS MARIJUANA.

2. DELIVER AND TRANSFER MARIJUANA TO A MARIJUANA TESTING FACILITY.

3. DELIVER, DISTRIBUTE AND SELL MARIJUANA TO A MARIJUANA CULTIVATION FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY AND A RETAIL MARIJUANA STORE.

4. RECEIVE AND PURCHASE MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY.

5. RECEIVE MARIJUANA SEEDS AND IMMATURE MARIJUANA PLANTS FROM A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE.

6. LEASE OR OTHERWISE ALLOW THE USE OF PROPERTY OWNED, OCCUPIED OR CONTROLLED BY ANY PERSON, CORPORATION OR OTHER ENTITY FOR ANY OF THE ACTIVITIES CONDUCTED LAWFULLY PURSUANT TO THIS SUBSECTION.

C. NOTWITHSTANDING ANY OTHER LAW, A MARIJUANA PRODUCT MANUFACTURING FACILITY WITH A CURRENT AND VALID REGISTRATION OR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO IS ACTING IN THE PERSON'S CAPACITY AS AN OWNER, EMPLOYEE OR AGENT OF A MARIJUANA PRODUCT MANUFACTURING FACILITY WITH A CURRENT AND VALID REGISTRATION MAY DO ALL OF THE FOLLOWING IN THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE:

1. PACKAGE, PROCESS, TRANSPORT, MANUFACTURE, DISPLAY AND POSSESS MARIJUANA AND MARIJUANA PRODUCTS.

2. DELIVER AND TRANSFER MARIJUANA AND MARIJUANA PRODUCTS TO A MARIJUANA TESTING FACILITY.

3. DELIVER AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO A RETAIL MARIJUANA STORE AND A MARIJUANA PRODUCT MANUFACTURING FACILITY.

4. PURCHASE MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY.

5. PURCHASE MARIJUANA AND MARIJUANA PRODUCTS FROM A MARIJUANA PRODUCT MANUFACTURING FACILITY.

6. LEASE OR OTHERWISE ALLOW THE USE OF PROPERTY OWNED, OCCUPIED OR CONTROLLED BY ANY PERSON, CORPORATION OR OTHER ENTITY FOR ANY OF THE ACTIVITIES CONDUCTED LAWFULLY PURSUANT TO THIS SUBSECTION.

D. NOTWITHSTANDING ANY OTHER LAW, A MARIJUANA TESTING FACILITY WITH A CURRENT AND VALID REGISTRATION OR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO IS ACTING IN THE PERSON'S CAPACITY AS AN OWNER, EMPLOYEE OR AGENT OF A MARIJUANA TESTING FACILITY WITH A CURRENT AND VALID REGISTRATION MAY DO ALL OF THE FOLLOWING IN THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE:

1. POSSESS, CULTIVATE, PROCESS, REPACKAGE, STORE, TRANSPORT OR DISPLAY MARIJUANA.

2. RECEIVE MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY, A MARIJUANA RETAIL STORE, A MARIJUANA PRODUCT MANUFACTURING FACILITY OR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE.

3. RETURN MARIJUANA TO A MARIJUANA CULTIVATION FACILITY, A MARIJUANA RETAIL STORE, A MARIJUANA PRODUCT MANUFACTURING FACILITY OR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE.

4. LEASE OR OTHERWISE ALLOW THE USE OF PROPERTY OWNED, OCCUPIED OR CONTROLLED BY ANY PERSON, CORPORATION OR OTHER ENTITY FOR ANY OF THE ACTIVITIES CONDUCTED LAWFULLY PURSUANT TO THIS SUBSECTION.

E. A MARIJUANA CULTIVATION FACILITY MAY NOT PRODUCE MARIJUANA CONCENTRATES, TINCTURES, EXTRACTS OR OTHER MARIJUANA PRODUCTS.

F. ANY ITEM THAT IS LAWFULLY IN THE POSSESSION OF A MARIJUANA ESTABLISHMENT PURSUANT TO THIS SECTION OR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO IS ACTING IN THE PERSON'S CAPACITY AS AN OWNER, EMPLOYEE OR AGENT OF A MARIJUANA ESTABLISHMENT PURSUANT TO THIS SECTION IS NOT SUBJECT TO SEIZURE OR FORFEITURE IN THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

G. THIS SECTION DOES NOT PREVENT THE IMPOSITION OF PENALTIES FOR VIOLATING THIS CHAPTER OR RULES ADOPTED BY THE DEPARTMENT OR A LOCALITY PURSUANT TO THIS CHAPTER.

36-2828. Marijuana establishments; registration; application; inspection

A. A MARIJUANA ESTABLISHMENT SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION OR RENEWAL APPLICATION FOR AN ANNUAL REGISTRATION TO OPERATE. A

RENEWAL APPLICATION MAY BE SUBMITTED UP TO NINETY DAYS BEFORE THE EXPIRATION OF THE MARIJUANA ESTABLISHMENT'S REGISTRATION.

B. THE DEPARTMENT SHALL BEGIN ACCEPTING AND PROCESSING APPLICATIONS TO OPERATE MARIJUANA ESTABLISHMENTS ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

C. ON RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A MARIJUANA ESTABLISHMENT, THE DEPARTMENT SHALL IMMEDIATELY FORWARD A COPY OF EACH APPLICATION AND HALF OF THE REGISTRATION APPLICATION FEE TO THE LOCAL REGULATORY AUTHORITY FOR THE LOCALITY IN WHICH THE APPLICANT DESIRES TO OPERATE THE MARIJUANA ESTABLISHMENT, UNLESS THE LOCALITY HAS NOT DESIGNATED A LOCAL REGULATORY AUTHORITY.

D. AT LEAST FORTY-FIVE BUT NOT MORE THAN NINETY DAYS AFTER RECEIVING AN APPLICATION OR RENEWAL APPLICATION FOR A MARIJUANA ESTABLISHMENT, THE DEPARTMENT SHALL ISSUE AN ANNUAL REGISTRATION TO THE APPLICANT, UNLESS THE DEPARTMENT FINDS THAT THE APPLICANT IS NOT IN COMPLIANCE WITH RULES ADOPTED BY THE DEPARTMENT.

E. IF AN APPLICATION IS DENIED, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE SPECIFIC REASON FOR THE DENIAL.

F. EVERY APPLICANT FOR A MARIJUANA ESTABLISHMENT REGISTRATION SHALL SPECIFY THE LOCATION WHERE THE MARIJUANA ESTABLISHMENT WILL OPERATE. A SEPARATE REGISTRATION IS REQUIRED FOR EACH LOCATION AT WHICH A MARIJUANA ESTABLISHMENT OPERATES.

G. THE DEPARTMENT MAY INSPECT MARIJUANA ESTABLISHMENTS AND THE BOOKS AND RECORDS MAINTAINED AND CREATED BY MARIJUANA ESTABLISHMENTS.

36-2829. Underage possession; forfeiture; drug awareness program; civil penalty

NOTWITHSTANDING SECTION 13-3405, A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO IS FOUND TO POSSESS ONE OUNCE OR LESS OF MARIJUANA SHALL FORFEIT THE MARIJUANA AND COMPLETE NOT MORE THAN FOUR HOURS OF INSTRUCTION IN A DRUG AWARENESS PROGRAM. IF THE PERSON DOES NOT COMPLETE THE DRUG AWARENESS PROGRAM WITHIN ONE YEAR, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN THREE HUNDRED DOLLARS.

36-2830. Applicability of chapter

THIS CHAPTER DOES NOT:

1. REQUIRE AN EMPLOYER TO ALLOW OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, SALE OR GROWING OF MARIJUANA IN THE WORKPLACE.

2. AFFECT THE ABILITY OF EMPLOYERS TO HAVE POLICIES RESTRICTING THE USE OF MARIJUANA BY EMPLOYEES OR TO DISCIPLINE EMPLOYEES WHO ARE UNDER THE INFLUENCE OF MARIJUANA IN THE WORKPLACE.

3. ALLOW DRIVING UNDER THE INFLUENCE OF MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA OR SUPERSEDE LAWS RELATED TO DRIVING UNDER THE INFLUENCE OF MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA.

4. ALLOW THE TRANSFER OF MARIJUANA, WITH OR WITHOUT REMUNERATION, TO A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE OR ALLOW A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE TO PURCHASE, POSSESS, USE, TRANSPORT, GROW OR CONSUME MARIJUANA.

5. PROHIBIT A PERSON, EMPLOYER, SCHOOL, HOSPITAL, DETENTION FACILITY OR CORPORATION OR ANY OTHER ENTITY THAT OCCUPIES, OWNS OR CONTROLS A PROPERTY FROM PROHIBITING OR OTHERWISE REGULATING THE POSSESSION, CONSUMPTION, USE, DISPLAY, TRANSFER, DISTRIBUTION, SALE, TRANSPORTATION OR GROWING OF MARIJUANA ON OR IN THAT PROPERTY.

6. LIMIT ANY PRIVILEGES OR RIGHTS OF A MEDICAL MARIJUANA PATIENT, PRIMARY CAREGIVER OR MEDICAL MARIJUANA DISPENSARY UNDER CHAPTER 28.1 OF THIS TITLE.

36-2831. Research

SCIENTIFIC AND MEDICAL RESEARCHERS WHO HAVE PREVIOUSLY PUBLISHED MAY PURCHASE, POSSESS AND SECURELY STORE MARIJUANA FOR PURPOSES OF CONDUCTING

RESEARCH. SCIENTIFIC AND MEDICAL RESEARCHERS MAY ADMINISTER AND DISTRIBUTE MARIJUANA TO A RESEARCH PARTICIPANT WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AFTER RECEIVING INFORMED CONSENT FROM THE RESEARCH PARTICIPANT.

36-2832. Marijuana regulation fund; transfer

THE MARIJUANA REGULATION FUND IS ESTABLISHED CONSISTING OF FEES AND TAXES COLLECTED AND CIVIL PENALTIES IMPOSED UNDER THIS CHAPTER. THE DEPARTMENT SHALL ADMINISTER THE FUND AND SHALL USE THE MONIES IN THE FUND FOR IMPLEMENTATION AND ENFORCEMENT OF THIS CHAPTER. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND MAY NOT BE TRANSFERRED TO ANY OTHER FUND EXCEPT AS PROVIDED IN SECTION 42-3552.

36-2833. Consumer privacy

TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED, THE DEPARTMENT MAY NOT REQUIRE A CONSUMER TO PROVIDE A RETAIL MARIJUANA STORE WITH PERSONAL INFORMATION OTHER THAN GOVERNMENT-ISSUED IDENTIFICATION TO DETERMINE THE CONSUMER'S AGE, AND A RETAIL MARIJUANA STORE IS NOT REQUIRED TO ACQUIRE AND RECORD PERSONAL INFORMATION ABOUT CONSUMERS.

Sec. 2. Title 42, chapter 3, Arizona Revised Statutes, is amended by adding article 13, to read:

ARTICLE 13. MARIJUANA

42-3551. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "MARIJUANA" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-2821.
2. "MARIJUANA CULTIVATION FACILITY" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-2821.
3. "MARIJUANA PRODUCT MANUFACTURING FACILITY" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-2821.
4. "RETAIL MARIJUANA STORE" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-2821.

42-3552. Levy and collection of tax on marijuana; disposition of monies

A. THERE IS LEVIED AND SHALL BE COLLECTED BY THE DEPARTMENT IN THE MANNER PROVIDED BY THIS CHAPTER A TAX AT THE RATE OF FIFTY DOLLARS PER OUNCE, OR PROPORTIONATE PART THEREOF, ON THE SALE OR TRANSFER OF MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY TO A RETAIL MARIJUANA STORE OR MARIJUANA PRODUCT MANUFACTURING FACILITY.

B. THE DEPARTMENT OF HEALTH SERVICES MAY ADJUST THE RATE ANNUALLY TO ACCOUNT FOR INFLATION OR DEFLATION BASED ON THE CONSUMER PRICE INDEX PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.

C. NOTWITHSTANDING SECTION 42-3102, THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES LEVIED AND COLLECTED PURSUANT TO THIS SECTION IN THE MARIJUANA REGULATION FUND ESTABLISHED BY SECTION 36-2832.

D. THE DEPARTMENT OF REVENUE SHALL DISTRIBUTE, EVERY THREE MONTHS, REVENUES GENERATED BY THE TAX IMPOSED PURSUANT TO THIS SECTION IN EXCESS OF THE AMOUNT NEEDED TO IMPLEMENT AND ENFORCE TITLE 36, CHAPTER 28.2 IN ANY FISCAL YEAR AS FOLLOWS:

1. THIRTY PERCENT TO THE DEPARTMENT OF EDUCATION.
2. TEN PERCENT TO THE DEPARTMENT OF HEALTH SERVICES FOR USE IN VOLUNTARY PROGRAMS FOR THE TREATMENT OF ALCOHOL, TOBACCO AND MARIJUANA ABUSE.
3. TEN PERCENT TO THE DEPARTMENT OF HEALTH SERVICES FOR A SCIENTIFICALLY AND MEDICALLY ACCURATE PUBLIC EDUCATION CAMPAIGN EDUCATING YOUTH AND ADULTS ABOUT THE HEALTH AND SAFETY RISKS OF ALCOHOL, TOBACCO AND MARIJUANA.
4. FIFTY PERCENT TO THE STATE GENERAL FUND.

Sec. 3. Rulemaking; definition

A. Not later than one hundred eighty days after the effective date of this act, the department of health services shall adopt rules necessary for implementation of this act. The rules may not prohibit the operation of marijuana establishments, either expressly or through rules that make the operation of a marijuana establishment unreasonably impracticable. The rules shall include:

1. Procedures for the issuance, renewal, suspension and revocation of a registration to operate a marijuana establishment consistent with the requirements of title 41, chapter 6, Arizona Revised Statutes.

2. A schedule of application, registration and renewal fees. Application fees may not exceed five thousand dollars, adjusted annually for inflation, unless the department determines a greater fee is necessary to carry out the department's responsibilities under this act.

3. Qualifications for registration that are directly and demonstrably related to the operation of a marijuana establishment.

4. Security requirements for marijuana establishments, including for the transportation of marijuana by marijuana establishments.

5. Requirements to prevent the sale or diversion of marijuana and marijuana products to persons who are under twenty-one years of age.

6. Labeling requirements for marijuana and marijuana products that are sold or distributed by a marijuana establishment.

7. Health and safety regulations and standards for the manufacture of marijuana products and both the indoor and outdoor cultivation of marijuana by marijuana establishments.

8. Restrictions on the advertising and display of marijuana and marijuana products.

9. Civil penalties for the failure to comply with rules adopted pursuant to this section.

10. Procedures for collecting taxes levied on marijuana cultivation facilities.

B. For the purposes of this section, "unreasonably impracticable" means that the measures necessary to comply with the rules adopted by the department require such a high investment of risk, money, time or any other resource or asset that the operation of a marijuana establishment is not worth being carried out in practice by a reasonably prudent businessperson.

Sec. 4. Conforming legislation

The legislative council staff shall prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration in the fifty-third legislature, second regular session.

Sec. 5. Requirements for enactment; two-thirds vote

Pursuant to article IX, section 22, Constitution of Arizona, this act is effective only on the affirmative vote of at least two-thirds of the members of each house of the legislature and is effective immediately on the signature of the governor or, if the governor vetoes this act, on the subsequent affirmative vote of at least three-fourths of the members of each house of the legislature.

